

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

V.

TERRY SMITH

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CASE NO. 6:06cr50


ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #74]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count Two** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #74] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, Terry Smith, is hereby adjudged as **GUILTY** on **Count Two** of the charging **Indictment**, conditioned upon the Court's final acceptance of the guilty plea at sentencing.

SIGNED this 27th day of November, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE